

ORIGINAL

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D. C. 20554

RECEIVED

AUG 26 1991

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In re Applications of)

CAROLINE K. POWLEY)
d/b/a UNICORN SLIDELL)
Slidell, Louisiana)

File No. BPCT-900518KO

TRUDY M. MITCHELL)
Slidell, Louisiana)

File No. BPCT-900726KG

For a Construction Permit)
for a new UHF Commercial)
Television Station to)
Operate on Channel 54,)
Slidell, Louisiana)

REC'D MASS MED BUR

AUG 28 1991

VIDEO SERVICES

TO: Chief, Mass Media Bureau

OPPOSITION TO FURTHER SUPPLEMENT
TO MOTION TO DISMISS OR DENY

Trudy M. Mitchell ("Mitchell"), through her counsel, opposes the Further Supplement to Motion to Dismiss or Deny filed on or about August 15, 1991 by Caroline K. Powley ("Powley").

1. In that pleading Powley urged the dismissal of Mitchell's application for authority to construct a new commercial television station to operate on Channel 54 in Slidell, Louisiana, based upon Mitchell's failure to timely file a hearing fee as required by Commission rules.

2. Powley relied upon a public notice released by the Commission July 19, 1991, List of Broadcast Applicants Submitting Hearing Fee Payments Under New Rules, which contained her name as having paid the hearing fee, but did not contain that of Mitchell.

3. Instead of relying upon the Commission's initial release, if Powley had inquired of Mitchell or her counsel, he would have

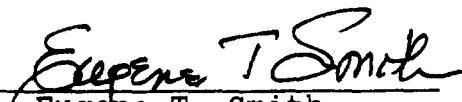
learned that in fact she made timely payment of the hearing fee. Attached hereto are copies of the statement of R & S Couriers, Inc. that it had delivered the hearing fee to the Mellon Bank, Pittsburgh, Pennsylvania July 15, 1991 at 1100; and a copy of counsel's check payable to Federal Communications Commission in the sum of \$6,760.00, dated July 15, 1991, on behalf of "Trudy M. Mitchell/Ch. 54". Stamps on the reverse side of counsel's check show that it was credited "To account of within named payee. . . by Mellon Bank-3MBC-PGH, PA".

4. Apparently another desperate attempt by Powley to secure the dismissal or denial of Mitchell's application has misfired.

Respectfully submitted,

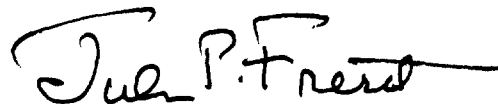
TRUDY M. MITCHELL

By


Eugene T. Smith

715 G Street, S.E.
Washington, D.C. 20003

By


Julian P. Freret
Her Counsel

BOOTH, FRERET & IMLAY
1920 N Street, N. W.
Suite 150
Washington, D. C. 20036
(202) 296-9100

August 26, 1991

N° 6923

R&S Couriers, Inc.

Serving the entire metropolitan area since 1982
7768 Woodmont Avenue, Suite 201
Bethesda, Maryland 20814 (301) 986-5500
F.C.C. Shuttle

Client Reference: MITCHELL

Date: 7/15/91

Description of Filing: Having Filing Fee
\$6,760.00

Application ☐

Report ☐

Other ☒

F.C.C. Form Number 155

Number of Copies 1

F.C.C. Box Number 358170

Copy for Date Stamp 1

Facilities Specified CH-54

Name and Address of Filing Agent: EUGENE T. SMITH
915 G. St. S.E.
WASHINGTON, D.C. 20003

Filers Account Number _____

Name of Applicant TRUDY M. MITCHELL

Certification of Pick Up

I Herby certify that the F.C.C. Application/Report/Other described above was picked up by me
on _____ day of _____ 199__.

By: Frank P. [Signature] Date: July 15, 1991 Time: 2:00

Certification of Delivery

I Herby certify that the F.C.C. Application/Report/Other described above was filed and the accompanying fee
tendered to the Mellon Bank in Pittsburgh, PA. on 15th day of July 1991.

By: 163 Date: 7-15-91 Time: 11:00

MONEY MARKET ACCOUNT

EUGENE T. SMITH
TRUST ACCOUNT
715 G STREET, S.E.
WASHINGTON, D.C. 20003

July 15, 1981 118
15-55
540

PAY TO THE ORDER OF Federal Communications Commission \$ 6,760.00

Six Thousand Seven Hundred & Sixty DOLLARS

AMERICAN SECURITY BANK
WASHINGTON, D.C.

FOR Trudy M. Mitchell/Ch. 54

⑆054000551⑆14⑈982 88 681⑈ 0118 ⑈0000676000⑈

INTERCHECKS

RIGGS NATIONAL BANK, DC
105-00000017
07/17/81
⑆04300026⑆

⑆1039166⑆

⑆04300026⑆ 412-236-1700
CREDIT TO ACCOUNT OF
WITHIN NAMED PAYEE
WITHOUT PREJUDICE; ABSENCE
OF ENDORSEMENT GUARANTEED
MELLON BANK-SMBC-PGH, PA.

STAMP OR SIGN BELOW THIS LINE
FOR FINANCIAL INSTITUTION USE

PLEASE ENDORSE HERE

CERTIFICATE OF SERVICE

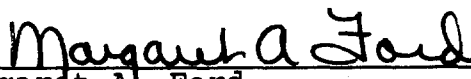
I, Margaret A. Ford, Office Manager of the law firm of Booth, Freret & Imlay, do hereby certify that copies of the foregoing OPPOSITION TO FURTHER SUPPLEMENT TO MOTION TO DISMISS OR DENY were mailed this 26th day of August, 1991, to the offices of the following:

*Roy Stewart, Esquire
Mass Media Bureau
Federal Communications Commission
1919 M Street, N. W., Room 314
Washington, D. C. 20554

*Barbara Kreisman, Esquire
Mass Media Bureau
Federal Communications Commission
1919 M Street, N. W., Room 702
Washington, D. C. 20554

*Clay Pendarvis, Esquire
Mass Media Bureau
Federal Communications Commission
1919 M Street, N. W., Room 700
Washington, D. C. 20554

B. Jay Baraff, Esquire
Baraff, Koerner, Olender & Hochberg, P. C.
5335 Wisconsin Avenue, N. W.
Suite 300
Washington, D. C. 20015-2003
Counsel for Caroline K. Powley, d/b/a
Unicorn Slidell


Margaret A. Ford

*Via Hand Delivery